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Attorneys for Plaintiff Hoopa Valley Tribe

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

HOOPA VALLEY TRIBE,

Plaintiff,

v.

UNITED STATES BUREAU OF  
RECLAMATION; DEBRA ANNE HAALAND,  
in her official capacity as Secretary of the  
Interior; MARIA CAMILLE CALIMLIM  
TOUTON, in her official capacity as  
Commissioner of the United States Bureau of  
Reclamation; ERNEST A. CONANT, in his  
official capacity as United States Bureau of  
Reclamation California-Great Basin Regional  
Director; and UNITED STATES  
DEPARTMENT OF THE INTERIOR

Defendants.

) Civ. No. 1:20-cv-1814-JLT-EPG

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DECLARATION OF THANE D.  
SOMERVILLE RE: PLAINTIFF'S  
RESPONSE IN OPPOSITION TO  
WESTLANDS WATER DISTRICT'S  
MOTION TO INTERVENE AS  
DEFENDANT

Hearing Date: December 23, 2022

Time: 9:00 AM

Courtroom: 4 – 7<sup>th</sup> Floor, Fresno

Judge: Hon. Jennifer L. Thurston

Trial Date: None

Action Filed: August 13, 2020

1 I, Thane D. Somerville, state and declare as follows:

- 2 1. I am legal counsel of record for Plaintiff Hoopa Valley Tribe in this proceeding.
- 3 2. Attached as Exhibit 1 is a true and correct copy of the March 15, 2022 Judgment in
- 4 *Westlands Water District v. All Persons Interested*, Fresno County Superior Court
- 5 Case No. 19CECG03887 (including exhibits attached to judgment, which are Minute
- 6 Orders of October 27, 2021 and March 16, 2020)
- 7 3. Attached as Exhibit 2 is a true and correct copy of a letter dated January 5, 2021 from
- 8 Hoopa Chairman Byron Nelson, Jr., to Secretary-Designate Deb Haaland
- 9 4. Attached as Exhibit 3 is a true and correct copy of a letter dated February 4, 2021
- 10 from Hoopa Chairman Byron Nelson, Jr. to Secretary-Designate Deb Haaland
- 11 5. Attached as Exhibit 4 is a true and correct copy of Repayment Contract No. 14-06-
- 12 200-495A-IR1-P between the United States and Westlands Water District, dated
- 13 February 28, 2020
- 14 6. Attached as Exhibit 5 is a true and correct copy of a Memorandum dated July 9, 1984
- 15 from Associate Solicitor, Energy and Resources, Larry Jensen to Regional Solicitor,
- 16 Rocky Mountain Region re Court Confirmation of Amendments to Repayment and
- 17 Water Service Contracts
- 18 7. Attached as Exhibit 6 is a true and correct copy of the North Coast Rivers Alliance et
- 19 al.'s Respondents Brief dated November 28, 2022 in *Westlands Water District v. All*
- 20 *Persons Interested*, California Fifth Appellate District Case No. F086362
- 21 8. Attached as Exhibit 7 is a true and correct copy of County of San Joaquin, County of
- 22 Trinity, Central Delta Water Agency, and South Delta Water Agency's Brief dated
- 23 November 28, 2022 in *Westlands Water District v. All Persons Interested*, California
- 24 Fifth Appellate District Case No. F086362

25 I declare under penalty of perjury under the laws of the United States of America that the

26 foregoing statements are true and correct.

1 DATED this 9<sup>th</sup> day of December, 2022.

2 /s/ Thane D. Somerville

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**CERTIFICATE OF SERVICE**

I hereby certify that on December 9, 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such to the attorneys of record.

/s/ Thane D. Somerville  
Thane D. Somerville